



# STATE OF MINNESOTA

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August 29, 2000

Magalie Roman Salas, Secretary  
Federal Communications Commission  
445 12th Street S.W., Suite TW-A325  
Washington D.C. 20554

**Re: In the Matter of Implementation of the Local Competition Provision of the  
Telecommunications Act of 1996  
CC Docket No.: 96-98 /**

**In the Matter of Number Resource Optimization  
CC Docket No.: 99-200**

**In the Matter of the Minnesota Public Utilities Commission Petition for  
Delegation of Additional Authority Pertaining to Area Code Relief and NXX  
Code Conservation Measures**

Dear Ms. Roman Salas:

In the Commission's local competition docket CC Docket No. 96-98, Second Report and Order the Commission delegated authority to states to implement area code relief and delegated authority to the Common Carrier Bureau to rule on petitions for additional delegations of numbering authority. Later in the March 31, 2000 order in CC Docket No. 99-200, the Commission continued that authority to the Common Carrier Bureau to authorize additional delegations to state authority. The Minnesota Public Utilities Commission seeks additional delegated authority to implement number conservation measures. Enclosed is an original and four copies of the Minnesota Public Utilities Commission Petition for Additional Delegated Authority to Implement Number Conservation Measures.

Sincerely,

KAREN FINSTAD HAMMEL

Assistant Attorney General

(651) 297-1852

Enc.

cc: Aaron Goldberger (via fax only)(w/encl.)  
AG: 396604, v. 01

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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.

In the Matter of :

The Minnesota Public Utilities Commission  
Petition for Delegation of Additional Authority  
Pertaining to Area Code Relief and NXX Code  
Conservation Measures,

NSD File No.

and

Number Resource Optimization,

CC Docket No. 99-200

and

Implementation of the Local Competition  
Provisions of the Telecommunications Act of  
1996.

CC Docket No. 96-98

**MINNESOTA PUBLIC UTILITIES COMMISSION  
PETITION FOR ADDITIONAL DELEGATED AUTHORITY  
TO IMPLEMENT NUMBER CONSERVATION MEASURES**

**INTRODUCTION AND SUMMARY**

The Telecommunications Act of 1996 (the "Act") gives the Federal Communications Commission (Commission) "exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States." 47 U.S.C. § 251(e)(1). The Commission has specifically delegated authority to state commissions to implement area code relief. *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, Second Report and Order and Memorandum Opinion and Order, 11 F.C.C. Rcd 19392 (1996) ("Local Competition Second Report and Order").

Since the Commission adopted the Local Competition Second Report and Order, the Common Carrier Bureau has exercised its delegated authority to grant petitions filed by

numerous states for further authority to implement solutions to conserve and more efficiently use numbering resources. Recently the Commission continued this delegation of authority to the Common Carrier Bureau to rule on petitions for additional delegation of numbering authority when no new issues are raised.” *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, Report and Order and Further Notice of Proposed Rulemaking, FCC 00-104, at ¶ 170 (March 31, 2000) (“Number Resource Optimization Order”).

In the Numbering Resource Optimization Order, the Commission again indicated that additional state efforts with respect to numbering resource optimization may be necessary to address the considerable burden imposed on all entities affected by the inefficient use of numbering resources. The Commission stated, “To enable consumers to receive the benefits of thousands-block number pooling as soon as feasible, we will continue to grant states authority to implement thousands-block number pooling on an individual basis.” Numbering Resource Optimization Order, at ¶ 169. States that receive new delegations of pooling authority from the Commission must conform to the national framework set forth in the Numbering Resource Optimization Order. *See id.*

The Minnesota Public Utilities Commission (MPUC) requests additional delegated authority to implement number resource conservation measures in Minnesota.<sup>1</sup>

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<sup>1</sup> The MPUC recognizes that the Commission adopted new rules that, *inter alia*, establish mandatory reporting requirements for which the frequency may be reduced by state commissions, and has provided for state access to data reported to NANPA. Number Resource Optimization Order, at ¶¶ 263-64. The Commission has also delegated authority to state commissions related to reclamation of number resources and sequential number assignment. 47 C.F.R. § 52.15, *as amended* by FCC 00-104.

## **ADDITIONAL DELEGATED AUTHORITY IS NECESSARY IN MINNESOTA**

### **I. SUMMARY OF AREA CODE RELIEF EFFORTS COMPLETED IN MINNESOTA**

Pursuant to delegated authority, the Minnesota Public Utilities Commission (MPUC) instituted and completed a two-phase approach for area code relief in Minnesota. The first phase was an east-west geographic split with St. Paul and the eastern Twin Cities suburbs and surrounding areas being assigned the 651 area code and Minneapolis and the western suburbs and surrounding areas retaining the 612 area code. The MPUC also adopted seven central office code conservation methods, including number pooling, wire center consolidation, and numbering audits to facilitate the return of unused NXX codes. In addition, the MPUC established a number pooling task force to provide the Commission with a report and recommendations on number pooling. *See In the Matter of a Relief Plan for the Exhaust of the 612 Area Code*, MPUC Docket No. P-999/M-97-506, Order Establishing Area Code Relief Plan, Setting Policies for Number Conservation and Establishing Task Force (Nov. 13, 1997).

Phase two of the relief plan was established to address further new area code implementation, if that became necessary. Subsequently, implementation of additional area codes clearly was necessary and further area code relief in Minnesota included a three-way split of the reformed 612 area code. This phase added a new 952 area code and a new 763 area code, generally following municipal boundaries. *See In the Matter of a Relief Plan for the Exhaust of the 612 Area Code*, MPUC Docket No. P-999/M-97-506, Order Setting Further Area Code Relief Requiring Traffic Studies and Clarifying Number Conservation Efforts (Dec. 16, 1998), and Order After Reconsideration (April 6, 1999).

## **II. THE COMMISSION SHOULD GRANT MPUC'S REQUEST FOR ADDITIONAL AUTHORITY**

According to the May 23, 2000 update of "Year 2000 COCUS and NPA Exhaust Analysis," and despite area code relief implementation in Minnesota, the three area codes involved in the latest split of the 612 area code--area codes 612, 763, and 952--will exhaust in the fourth quarter of 2004, the first quarter of 2005, and the second quarter of 2006, respectively. Accordingly, the MPUC has filed this petition for delegated authority to implement thousands block pooling procedures and to reclaim thousands blocks as needed to implement procedures to conserve the numbers in these area codes and to attempt to extend the time for these area codes to exhaust. The exercise of additional delegated authority will be performed in compliance with the guidelines and rules established by the Commission pursuant in its Number Resource Optimization Docket and in collaboration with the industry.

Increased competition in the local exchange market and advances in telecommunications services have led to an explosion in the demand for telephone numbers and escalated the rate of exhaust of area codes. The addition of new area codes results in additional customer confusion and disruption, not just for the customers who must change their area code, but for all subscribers who call the communities affected by additional area code implementation. It also causes additional costs to carriers because they must modify their network equipment as well as inform and educate customers and callers regarding number changes and new dialing patterns. The MPUC believes that it is necessary and in the public interest to do what it can to forestall premature exhaustion of numbering resources in Minnesota and to slow the introduction of additional new area codes.

The current method of assigning 10,000 numbers is particularly inefficient where carriers require substantially less than 10,000 numbers to provide service. It is this practice in particular that imperils the existing area codes in Minnesota, subjecting them to premature exhaustion.

In order to obtain more effective and efficient assignment of existing resources, maintain competitive equity, minimize increases in costs or rates to consumers, and avoid unnecessarily introducing new area codes, it is critical to increase the efficiency of our use of telephone numbers within the existing area codes. One of the most efficient ways for the MPUC to achieve this goal is to implement non-discriminatory, mandatory thousands-block number pooling. With more efficient number utilization in Minnesota, the MPUC would have additional flexibility to implement appropriate NPA relief in the future.

The MPUC agrees with the Commission that mandatory pooling would be much more effective than the voluntary trials that have been conducted in other states. *See* Numbering Resource Optimization Order, at ¶125. In connection with phase one of the Minnesota area code relief proceeding for the 612 area code, the MPUC established a task force to investigate the feasibility of implementing thousands-block pooling. Unfortunately, a number of telecommunications providers indicated that they would not voluntarily participate in a number pooling trial. Therefore, it is necessary to mandate all carriers who are LNP-capable to participate in the program in order to achieve the desired elimination of premature area code exhaust. It is also necessary to have the ability to reclaim unused and underused thousands blocks in order to maximize the effectiveness of thousands-block pooling.

The Commission has expressed its concern that pooling be implemented in areas where it has the potential to be most beneficial. Numbering Resources Optimization Order, at ¶ 170. Minnesota is a state that has great potential to benefit from number conservation efforts, which

should include mandatory pooling activities. Further, the area codes 612, 763, and 952, along with area code 651 are all located in one of the 100 top metropolitan statistical areas (MSA) and numbers in these area codes provide service to customers in the Minneapolis and St. Paul area, and to their suburbs and surrounding areas.

The Twin Cities area has been growing rapidly, and is expected to continue to do so. Current projections with the 651 area code expect that it will exhaust in the fourth quarter of 2008. However, the 763, 952, and 612 area codes are much more critical. Their expected exhaust dates range from 2004 to 2006. The 763 and 952 area codes have just recently been implemented in Minnesota, and for them to exhaust so rapidly after their implementation certainly has the potential to disrupt all consumers in the area. The MPUC is very concerned that the remaining life span of these area codes be extended if at all possible.

### **CONCLUSION**

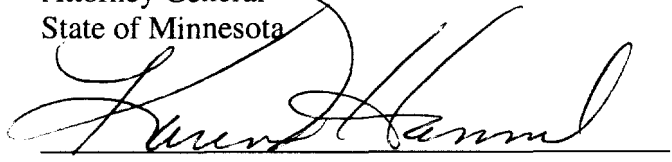
The MPUC recognizes that pooling is not a substitute for area code relief in exhaust situations. But as the FCC has noted, it can improve the efficiency of numbering resources and delay the time for an area code exhaust. Mandatory thousands-block pooling would provide the MPUC with flexibility that is necessary to better manage existing numbering resources and would help decrease the frequency with which area code relief is required. Along with thousands-block pooling, it is also necessary to be able to reclaim thousand blocks that are not used or are under-utilized, and the Commission requests the authority to do that as well. Along with the other requirements in 47 C.F.R. § 52.15, with the delegated authority to implement mandatory thousands-block pooling and reclamation of thousand blocks that are under-utilized, the MPUC can manage number resources more effectively and mitigate premature area code exhaust problems. Accordingly, the MPUC requests additional delegated authority to implement

the measures discussed herein, and such other delegated authority consistent with prior delegations to numerous state commissions as may be required to insure more effective numbering resource utilization.

Dated: 7/25/00

Respectfully submitted,

MIKE HATCH  
Attorney General  
State of Minnesota

A handwritten signature in black ink, appearing to read "Karen Hammel", written over a horizontal line.

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